

JUVENILE REHABILITATION ADMINISTRATION

JRA POLICY 9

JRA RELEASE, TRANSFER, AND PLACEMENT NOTIFICATION REQUIREMENTS (LAW ENFORCEMENT, VICTIM/WITNESS, SCHOOL, EMPLOYER/VOLUNTEER/PROVIDER)

TABLE OF CONTENTS

9-100	PURPOSE
9-200	SCOPE
9-300	DEFINITIONS
9-400	POLICY
9-500	PROCEDURE

SUBJECT: JRA RELEASE, TRANSFER, AND PLACEMENT NOTIFICATION REQUIREMENTS (LAW ENFORCEMENT, VICTIM/WITNESS, SCHOOL, EMPLOYER/VOLUNTEER/PROVIDER)

AUTHORIZING SOURCE: Chapter 13.40 RCW, 28A.225, Title 9 RCW
RCW 4.24.550 and DSHS Administrative Policy 8.06

APPROVED BY: J.C. 04-09
John Clayton, Assistant Secretary
Juvenile Rehabilitation Administration

9-100 PURPOSE

Unless otherwise noted, any out-of-state notifications must be determined and coordinated through the Interstate Compact Administrator for JRA, at which time it will be determined what notification is required, if any, based on the provisions of the Compact. Out-of-state notifications are to be done in hard copy, not in the Automated Client Tracking System (ACT). See Policy 19, “Interstate Compact on Juveniles”, <http://jra.dshs.wa.lcl/library/bulletins/bulletinDocs/bulletin19.doc>

This policy applies to JRA organizational units and contracted programs.

9-300 DEFINITIONS

1. **Approved Private Schools:** Private schools approved by the Office of Superintendent of Public Instruction and listed in the Washington Education Directory.
2. **Criminal History:** A youth's offenses known to JRA including the number of counts and degree of offense. Criminal history does not include successfully completed deferred dispositions or deferred adjudications entered prior to July 1, 1998.
3. **Sex Offender School Attendance Program:** Youth with an adjudicated sex offense cannot attend the same school as their victim or the sibling of a victim. This program assists in ensuring that JRA youth that have sexually offended do not attend the same school as their victims. (See RCW 13.40.215 (5), <http://apps.leg.wa.gov/RCW/default.aspx?cite=13.40.215>).
4. **Youth that has a Kidnapping Offense:** A youth whose current term of incarceration or criminal history includes a commitment for a kidnapping offense or for unlawful imprisonment where the victim is a minor and the offender is not the minor's parent. (See [DSHS Administrative Policy 8.06](#) for list of offenses).
5. **Youth that has Sexually Offended:** A youth whose current term of incarceration includes a sex offense or who has a criminal history of a prior sex offense. (See [DSHS Administrative Policy 8.06](#) for list of offenses).
6. **Youth that has a Stalking Offense:** A youth whose current term of incarceration or criminal history includes a commitment for a stalking offense. (See [DSHS Administrative Policy 8.06](#) for list of offenses).
7. **Victim:** Any person who has sustained emotional, psychological, physical or financial injury to person or property as a direct result of the crime charged. In terms of Victim/Witness Notification this includes non-adjudicated victims if the Prosecuting Attorney requests enrollment for them. (See RCW 9.94A.030 (53), <http://apps.leg.wa.gov/RCW/default.aspx?cite=9.94A.030>).
8. **Victim's Sibling:** A person related to the victim by biological or adoptive parentage; or who share parents by marriage.
9. **Violent Offender:** A youth whose current term of incarceration or criminal history includes a commitment for a violent offense. (See [DSHS Administrative Policy 8.06](#) for list of offenses).
10. **Victim/Witness Notification Program:** If requested by the victim, witness or any person specified in writing by the Prosecuting Attorney, the Program provides notification when an offender is released (parole, discharged, authorized leave),

transferred to a less secure setting, or escapes from any DSHS facility. (See RCW 13.40.215, <http://apps.leg.wa.gov/RCW/default.aspx?cite=13.40.215>).

9-400 POLICY

- 1. JRA must ensure that all offenders are provided with and sign a written notice that informs the youth of the requirements for school and law enforcement notification.**

This notice must be provided to the youth during the diagnostic process using the “Notification of Legal Requirements” ([DSHS Form #20-236](#)), and noted in the Client History Review (CHR).

- 2. JRA must notify youth with sex and kidnapping offenses of the requirements for registration with law enforcement.**

JRA staff will use the “Notice of Sex/Kidnapping Offender Registration Requirements” ([DSHS form #09-746](#)) to notify youth of these requirements. Notification should occur within 30 days of admission and must occur before the pre-registration requirements are completed.

- 3. JRA must pre-register youth with sex and kidnapping offenses prior to discharge from residential custody or release to parole.**

- A. JRA staff will use the “DSHS Sex/Kidnapping Offender Pre-registration” ([DSHS form #09-746A](#)) to meet this requirement.
- B. Fingerprint cards and a recent photograph will be included with the pre-registration paperwork. Institution staff will complete a fingerprint card for youth with sex and kidnapping offenses being transferred to a minimum security facility. The fingerprint card will be forwarded with the Case File for minimum security facility use upon the youth’s release from residential custody.
- C. JRA will forward the pre-registration information to the county sheriff for the county of the youth’s anticipated residence at least 72 hours prior to release from residential custody. The information may be included with the law enforcement notification that occurs 35 days prior to release from residential custody.
- D. A courtesy pre-registration form will be included in the law enforcement notification packet for youth being transferred to a minimum security facility.

4. **JRA must notify the Division of Developmental Disabilities (DDD) of the release of a youth with a sex or kidnapping offense who is known to be eligible for DDD services within 30 days of release and not before 30 days prior to release. JRA will work with DDD to assist the youth in meeting the initial law enforcement registration requirements.**
5. **Notification to law enforcement is required for all youth with sex, violent, kidnapping and stalking offenses in advance of the discharge from residential obligation, release to parole, or authorized leave. JRA staff will use “Notification of Release” (DSHS Form #09-747), and “Notice of Sex Offender Release” (DSHS Form #09-747A) to meet this requirement.**
 - A. If the youth has a sex, violent, kidnapping, or stalking offense, JRA must notify the chief of police of the city and the sheriff of the county in the state in which the youth will reside 35 days in advance of the discharge from residential obligation, release to parole, or authorized leave. This notification must include, at a minimum, the identity of the offender, the criminal history of the offender and the youth’s risk level classification (Policy 40, “Sex Offender Risk Classification”,
<http://jra.dshs.wa.lcl/library/bulletins/bulletinDocs/bulletin40.doc>).
 - B. If a youth with a sex, violent, kidnapping or stalking offense is known to JRA to have tribal affiliation or lives on tribal land, JRA must notify, in addition to the chief of police of the city and the sheriff of the county where the youth will be residing, the tribal law enforcement agency of the youth’s affiliated tribe or the tribal law enforcement agency where the youth will be residing. This notification must be completed 35 days in advance of the discharge from residential obligation, release to parole, or authorized leave. Notification should be provided to tribes outside the geographical borders of Washington State when the information necessary to notify the tribal law enforcement agency is available.
 - C. Failure to notify within the prescribed time periods requires a change in the release date to meet the 35-day requirement unless the offender has reached the maximum release date (Policy 10, “Release from Commitment,”
<http://jra.dshs.wa.lcl/library/bulletins/bulletinDocs/bulletin10.doc>).
 - D. Change in release destination requires a new notification to the new law enforcement jurisdiction as soon as possible.
 - E. Information in the notice of release may be changed provided law enforcement is notified of the change prior to the release date.
6. **Notification to law enforcement may be completed for youth on parole that have sexually offended whose parole is revoked or who have a change of residence resulting in a change of law enforcement jurisdiction.**

- A. If a youth with a sexual offense has a change of residence involving a change of law enforcement jurisdiction, JRA may provide a courtesy notification to the current law enforcement jurisdiction and the new jurisdiction.
 - B. Notification should include: the offense requiring notification, youth's name, date of birth and, when known, current address, new address, supervising agency's name and phone number, and a contact person's name.
7. **Law enforcement notification is required for all youth being transferred to minimum-security facilities. JRA staff will use "Notification of Release" (DSHS Form #09-747), and "Notice of Sex Offender Release" (DSHS Form #09-747A) to meet this requirement.**
- A. If the youth has a sex, violent, kidnapping, or stalking offense, JRA must notify the chief of police of the city and the sheriff of the county in which the minimum-security facility is located at least 35 days prior to the transfer of a youth to a minimum-security facility.
 - B. For all other youth, notification to the chief of police of the city and the sheriff of the county in which the minimum-security facility is located must be made at least 72 hours prior to the transfer.
 - C. Notification must include, at a minimum, the identity of the offender, the criminal history of the offender, and the risk level classification (Policy 40, "Sex Offender Risk Classification," <http://jra.dshs.wa.lcl/library/bulletins/bulletinDocs/bulletin40.doc>). Other relevant and disclosable information may be provided to law enforcement upon request.
 - D. Failure to notify within prescribed time periods requires a change in transfer plans to the minimum-security facility to meet the designated time requirements (Policy 10, "Release from Commitment", <http://jra.dshs.wa.lcl/library/bulletins/bulletinDocs/bulletin10.doc>).
 - E. Change in a transfer destination requires new law enforcement notification.
 - F. Information in the notification of transfer may be changed provided law enforcement is notified of the change prior to the transfer.
8. **JRA must notify the Victim/Witness Program when a youth with victim/witness notification requirements is transferred to a minimum-security facility or released.**
- A. JRA must comply with procedures established by the centralized DSHS Victim/Witness Program. Authorized personnel must notify the Victim/Witness Program a minimum of 35 days in advance of transfers to minimum-security facilities for those youth with notification requirements, discharges from residential obligation, releases to parole, and authorized leaves.

- B. Failure to notify within prescribed time periods requires a change in the release or transfer date to meet the 35-day requirement (Policy 10, "Release from Commitment",
<http://jra.dshs.wa.lcl/library/bulletins/bulletinDocs/bulletin10.doc>)
 - C. Change in the release or transfer destination requires new notification as soon as possible to the Victim/Witness Program when the youth has an offense and/or a Victim/Witness Program requirement exists.
 - D. If a youth is transferred to a minimum security facility and subsequently returned to an institution, the Victim/Witness Program must be notified.
 - E. Victim/Witness notification requirements for the current commitment end when a youth is released from his/her residential obligation.
9. **JRA must ensure that the Sex Offender School Attendance Program within the office of Victim/Witness Program is notified whenever a youth with a sex offense who plans to attend school is transferred to a minimum-security facility or released or changes school programs within the community.**

Youth who have sexually offended cannot attend the same school as their victim(s) or the siblings of their victims. The Victim/Witness Program cross-references information provided by JRA and notifies the school when necessary.

10. **Notification to approved private schools and common school district board of directors is required for all offenders being transferred to a minimum-security facility, discharged from residential obligation, released to parole, or placed on authorized leave, except as noted below. JRA staff will use "School Notification" (DSHS Form# 20-235) to meet this requirement.**
- A. JRA must send written notice to the chair of the common school district board of directors in care of the superintendent and to the approved private schools within the geographical boundaries of the district prior to the juvenile committed for any offense being transferred to a minimum-security facility, discharged from residential obligation, released to parole, or placed on authorized leave if the offender plans to attend school while on leave (Policy 8, "Authorized Leaves and Community Involvement Passes",
<http://jra.dshs.wa.lcl/library/bulletins/bulletinDocs/bulletin08.doc>).
 - B. JRA must send written notification to the chair of the common school district board of directors in care of the superintendent and to the approved private schools within the geographical boundaries of the district 35 days prior to a sex, violent, kidnapping, or stalking offender being transferred to a minimum-security facility, discharged from residential obligation, released to parole, or placed on authorized leave. This notice must be sent to the approved private schools and public school district in which a youth with a sex, violent, kidnapping, or stalking offense intends to reside.

Exceptions:

Notice is not required if it has been determined the offender will not be attending school for one of the following reasons:

1. The youth is over 21 years of age; or
 2. The youth will be in the community for less than seven consecutive days on approved leave and will not be attending school during that time.
- C. JRA must send a new or updated written notice as soon as possible to the chair of the common school district board of directors in care of the superintendent and to the approved private schools within the geographical boundaries of the district if the planned school district or private school of attendance changes prior to release from residential custody.
- D. If the placement of a youth with a sex, violent, kidnapping, or stalking offense is unknown at least 35 days prior to discharge from residential obligation or release to parole or is out-of-state, this notice must be sent to the last public school or approved private school attended.
- E. If a parolee with a sex, violent, kidnapping, or stalking offense changes school districts or decides to attend school, the new school district must be notified as soon as possible.
- 11. If a youth attends school while residing in a minimum-security facility, the minimum-security facility must provide written notice of the youth's criminal history to the school of attendance.**

This notification must be completed by submitting to the school of attendance the School Involvement/School Agreement "Conditions of School Involvement/School Agreement" **K-12**, ([DSHS Form 20-228](#)) or "Conditions of School Involvement/School Agreement" **Non-K-12**, ([DSHS Form 20-228A](#)).

- 12. Minimum-security facilities must provide written notice of a youth's criminal history to any employer that employs the youth while he/she is residing in a minimum-security facility.**

This notification must be completed by submitting to the employer the "Conditions of Employment/Employer Agreement" form ([DSHS Form #20-229A](#)).

- 13. Minimum-security facilities must provide written notice of a youth's criminal history to any volunteer project supervisor that supervises a youth while he/she is residing in a minimum-security facility.**

This notification must be completed by submitting to the volunteer project supervisor the "Juvenile Volunteer Project Supervisor Agreement" form ([DSHS Form #20-230](#)).

- 14. Minimum-security facilities should provide written notice of a youth's criminal history to treatment providers providing unsupervised services to an offender while he/she is residing in a minimum-security facility.**

This notification should be completed by submitting to the treatment provider the "Conditions of Treatment Provider Agreement" form ([DSHS Form #20-229B](#)).

- 15. Law enforcement, victim/witness, and school notification is not required for youth returned to an institution from a minimum security facility for 30 days or less, provided the youth is returning to the same minimum-security facility, school, and law enforcement jurisdiction.**

- 16. Law enforcement, victim/witness, and school notification is not required for youth returned to an institution for a youth on parole revocation status provided the youth is returning to the same school, and law enforcement jurisdiction.**

- 17. Youth with a sex, violent, kidnapping, and stalking offense allowed unsupervised access to the community are subject to law enforcement notification procedures.**

- A. Youth with a sex, violent, kidnapping, or stalking offense allowed unsupervised access to the community are subject to the 35-day notification requirements. (Policy 8, "Authorized Leaves and Community Involvement Passes", <http://jra.dshs.wa.lcl/library/bulletins/bulletinDocs/bulletin08.doc>).
- B. For youth at institution minimum-security classification, one notice per law enforcement jurisdiction of destination is required for unsupervised on-going community program activities. (Policy 5, "Security Classification", <http://jra.dshs.wa.lcl/library/bulletins/bulletinDocs/bulletin05.pdf>).
- C. For youth in minimum-security facilities, one law enforcement notification specifying placement is sufficient to cover all subsequent unsupervised ongoing community activities from that facility.
- D. Youth provided community access are not subject to law enforcement notification procedures when under the supervision of JRA, contracted, or volunteer staff.

- 18. Law enforcement, victim/witness, and school notification requirements must be noted in the initial transfer request for those JRA youth transferred to the Department of Corrections (DOC).**

19. JRA may provide additional notification information on youth with sex and kidnapping offenses if JRA determines it is relevant and necessary for community protection.

Information released under this section requires the approval of the JRA Division Director or designee. (Policy 29, "Confidentiality and Release of Juvenile Records and Operation Records",
<http://jra.dshs.wa.lcl/library/bulletins/bulletinDocs/bulletin29.doc>).

20. Exception to this policy requires the approval of the Assistant Secretary or designee.

In the event of an emergency or medical leave, the JRA Assistant Secretary or designee may waive all timeline requirements for leaves and notifications.

9-500 **PROCEDURES**

Use ACT to complete requirements when applicable and available, otherwise use attached forms or phone contact to meet the requirements. When ACT is not available, ensure a copy of the form is placed in the Case File and phone contact is documented and available in case notes or the Case File. Out-of-state notifications are to be done in hard copy, not in ACT.

1. Inform youth of notification requirements:

Action By:

Action:

Diagnostic Coordinator

- A. Complete the "Notification and Legal Requirements" ([DSHS Form #20-236](#)), review it with the youth, and have youth sign.
- B. Note completion of this notice to the youth in the Client History Review (CHR) and ensure placement in Case File.

2. Notify youth of registration requirements:

Action By:

Action:

Sex Offender Treatment Coordinator (SOTC) or designee

- A. Complete the "Notice of Sex/Kidnapping Offender Registration Requirements" ([DSHS form #09-746](#)), review it with the youth, and have the youth sign.
- B. Ensure the youth gets a copy of the signed form and the original is placed in the youth's Case File.

3. Pre-register youth prior to release from residential custody:

Action By:

**Sex Offender Treatment
Coordinator (SOTC) or
designee**

Action:

- A. Complete the “DSHS Sex/Kidnapping Offender Pre-registration”([DSHS form #09-746A](#)), review it with the youth, and have the youth sign.
- B. Forward the pre-registration packet to the appropriate sheriff’s office 72 hours prior to the youth’s release from residential custody or with the law enforcement notification packet 35 days prior to release or transfer.
- C. Ensure the youth gets a copy of the signed form and the original is placed in the youth’s Case File.

4. Courtesy pre-registration for sex or kidnapping offenders being transferred to a minimum security facility.

Action By:

**Sex Offender Treatment
Coordinator (SOTC) or
designee**

Action:

- A. Complete the “DSHS Sex/Kidnapping Offender Pre-registration” ([DSHS form #09-746A](#)), review with the youth, and have youth sign.
- B. Forward the pre-registration packet to the appropriate sheriff’s office with the law enforcement notification packet 35 days prior to transfer.
- C. Forward a completed fingerprint card in the Case File to assist the minimum security facility staff in completing release pre-registration requirements.
- D. Ensure the youth gets a copy of the signed form and the original is placed in the youth’s Case File.

5. Notify DDD of the release of a youth with a sex offense who is known to be eligible for DDD services.

Action By:

Residential Case Manager

Action:

Notify DDD and the youth's JRA Parole Case Manager of the pending release 30 days prior to discharge from residential obligation or release to parole.

Parole Case Manager

Work with DDD to assist the youth in meeting the initial law enforcement registration requirements.

6. Notify law enforcement, schools and the DSHS Victim/Witness program if there are 35 days or less remaining on a youth's established discharge or release date while in diagnostic status:

Action By:

Diagnostic Coordinator

Action:

Use ACT to notify law enforcement, schools and Victim/Witness Program of established discharge or release date. If ACT is not available, complete and send "Notice of Release" ([DSHS Form #09-747](#)), "Notification of Sex Offender Release", ([DSHS Form #09-747A](#)), "School Notification" ([DSHS Form# 20-235](#)), and call DSHS Victim/Witness Program.

7. Notify law enforcement agencies of discharge from residential obligation, release to parole, authorized leave, and transfers to minimum-security facilities.

Action By:

Residential Case Manager

Action:

Use ACT to notify law enforcement or complete and send "Notification of Sex Offender Release" ([DSHS Form #09-747A](#)) 35 days prior to the anticipated move for a youth with a sex, violent, kidnapping and stalking offenders; or

A. 72 hours prior to the anticipated transfer to a minimum-security facility for all other offenders.

B. 7 days prior to anticipated authorized leave for all other offenders. Policy 8, "Authorized Leaves and Community Involvement Passes",

<http://jra.dshs.wa.lcl/library/bulletins/bulletinDocs/bulletin08.doc>

- C. As soon as possible when updating release or transfer plans.

Designated Facility Staff

For emergency leaves, make initial notification by phone or FAX and then forward the completed "Notification of Sex Offender Release", ([DSHS Form #09-747A](#)).

8. Notify law enforcement agencies when a youth with a sexual offense moves to a different law enforcement jurisdiction:

Action By:

Action:

Parole Case Manager

The case manager may complete and send a courtesy notification after it has been determined a youth has a change of residence involving a change of a known law enforcement jurisdiction.

9. Notify DSHS Victim/Witness Program when a youth, with notification requirements, discharges from residential obligation, releases to parole, has authorized leave, transfers to a minimum-security facility, or escapes:

Action By:

Action:

Residential Case Manager

For youth with notification requirements, use ACT to notify the DSHS Victim/Witness Program or call DSHS Victim/Witness Program [1 (800) 422-1536].

A. 35 days in advance of any movement.

B. As soon as possible when updating release or transfer plans.

Parole Case Manager

When a youth on parole with victim/witness notification requirements moves, notify the Victim/Witness Program as soon as possible.

10. Notify DSHS Victim/Witness Program when a youth with a sexual offense plans to attend school:

Action By:

Action:

Residential Case Manager

Use ACT or call to notify the Victim/Witness Program. Notifications must include the name of the common school district where the youth intends to reside.

- A. 35 days in advance of any movement.
- B. As soon as possible when updating release or transfer plans.

Parole Case Manager

Use ACT or call to notify the Victim/Witness Program after the youth initiates action to change or re-enroll in school any time during his/her parole supervision.

11. Notify school districts of discharge from residential obligation, release to parole, authorized leave when the youth with a sex, violent, kidnapping or stalking offense plans to attend school during the leave, transfers to minimum-security facilities, initial enrollment, or transfer to a different school:

Action By:

Action:

Residential Case Manager

Use ACT to notify schools or complete and forward the "School Notification" ([DSHS Form# 20-235](#))

- A. Prior to the actual discharge from residential obligation, release to parole, authorized leave, transfers to minimum-security facilities for any offender; or
- B. At least 35 days prior to the anticipated discharge from residential obligation, release to parole, authorized leave, transfers to minimum-security facilities, initial enrollment, or transfer to a different school of a youth with a sex, violent, kidnapping or stalking offense.
- C. As soon as possible when updating changes in the planned school district or private school of attendance.

Parole Case Manager

- A. After a youth has been paroled, if there is a change in parole plans which includes initial enrollment in school, notification is completed as soon as it is known.
- B. For youth on parole, send notice as soon as the plan to transfer to another school district is known.

12. Notify schools of a youth's criminal history:

Action By:

**Minimum-Security
Facility**

Action:

- A. Complete and secure the appropriate signatures for the "Conditions of School Involvement/School Agreement K-12" ([DSHS Form 20-228](#)) or the "Conditions of School Involvement/School Agreement Non K-12" ([DSHS Form 20-228A](#)).
- B. Ensure the youth gets a copy of the signed form and a copy is placed in the youth's Case File.

13. Notify employers of a youth's criminal history:

Action By:

**Minimum-Security
Facility Case Manager**

Action:

- A. Complete and secure the appropriate signatures for the "Conditions of Employment/Employer Agreement" ([DSHS Form #20-229A](#)).
- B. Ensure the youth gets a copy of the signed form and a copy is placed in the youth's Case File. .

14. Notify volunteer project supervisor of a youth's criminal history:

Action By:

**Minimum-Security
Facility Case Manager**

Action:

- A. Complete and secure appropriate signatures for the "Juvenile Volunteer Project Supervisor Agreement" ([DSHS Form #20-230](#)).
- B. Ensure the youth gets a copy of the signed form and a copy is placed in the youth's Case File.

15. Notify treatment provider of a youth's criminal history

Action By:

**Minimum-Security
Facility Case Manager**

Action:

- A. Complete and secure the appropriate signatures on the "Conditions of Treatment Provider Agreement form" ([DSHS Form #20-229B](#)).
- B. Ensure the youth gets a copy of the signed form and a copy is placed in the youth's Case File.